

## COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

TOWN OF MONSON

## SPECIAL TOWN WARRANT

To any of the Constables of the Town of Monson in said county:

## GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn all the inhabitants of the Town of Monson qualified to vote in Elections and Town affairs to meet in the Granite Valley Middle School on Thompson Street on Monday, October 18, 2010, A.D. at 7:00 p.m. to act upon the following articles:

**Article 1:**

To see if the Town will vote to raise and appropriate and/or transfer and appropriate a sum of money from available funds with which to pay bills of prior years, or take any other action relative thereto.

**Article 2:**

To see if the Town will vote to raise and appropriate and/or transfer and appropriate a sum of money from available funds to the Town Accountant's Salary Account, or take any other action relative thereto.

**Article 3:**

To see if the Town will vote to raise and appropriate and/or transfer and appropriate a sum of money from available funds to the Council on Aging Salary Account, or take any other action relative thereto.

**Article 4:**

To see if the Town will vote to transfer and appropriate a sum of money from the Sewer Enterprise Free Cash Account to the Sewer Easement Clearing Account, or take any other action relative thereto.

**Article 5:**

To see if the Town will vote to transfer and appropriate a sum of money from the Water Enterprise Free Cash Account to the Water Capital Chlorination Account, or take any other action relative thereto.

**Article 6:**

To see if the Town will vote to transfer and appropriate a sum of money from the Water Enterprise Free Cash Account to the Water Department Operation Account, or take any other action relative thereto.

**Article 7:**

To see if the Town will vote to raise and appropriate and/or transfer and appropriate a sum of money from available funds to increase the appropriations made in the fiscal 2011 budget omnibus approved as Article 4 of the Annual Town Meeting held on May 10, 2010 to fund two per cent salary increases for AFSCME union employees and other non-contractual, non-union employees, or take any other action relative thereto.

**Article 8:**

To see if the Town will vote to adjust the Town Clerk's salary set in Article 2 of the Annual Town Meeting held on May 10, 2010 to reflect a two per cent increase for the current fiscal year, or take any other action relative thereto.

**Article 9:**

To see if the Town will vote to raise and appropriate and/or transfer and appropriate a sum of money from available funds to the Water Enterprise Fund to fund two per cent salary increases for AFSCME union employees, or take any other action relative thereto.

**Article 10:**

To see if the Town will vote to raise and appropriate and/or transfer and appropriate a sum of money from available funds to the Sewer Enterprise Fund to fund two per cent salary increases for AFSCME union employees, or take any other action relative thereto.

**Article 11:**

To see if the Town will vote to raise and appropriate and/or transfer and appropriate a sum of money from available funds to the Solid Waste Enterprise Fund to fund two per cent salary increases for AFSCME union employees, or take any other action relative thereto.

**Article 12:**

To see if the Town will vote to transfer and appropriate a sum of money from the Legal Department Encumbered Account to the Legal Department Expense Account, or take any other action relative thereto.

## Article 13:

To see if the Town will vote to amend its Zoning Bylaws by adding the following:

### 1.7 DEFINITIONS

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval in designated locations. As-of-right development shall be subject to Site Plan Approval by Monson Planning Board acting as the Site Plan Review Authority (SPRA) to determine conformance with local zoning ordinances or bylaws.

**Building Permit:** A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

**Large-Scale Ground-Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

**On-Site Solar Photovoltaic Installation:** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

**Site Plan Review:** review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

**Site Plan Review Authority:** For purposes of this bylaw, Site Plan Review Authority is the Monson Planning Board.

**Solar Photovoltaic Array:** an arrangement of solar photovoltaic panels.

**Transmission Lines:** Those conductors and their necessary supporting or containing structures which are located entirely outside of buildings and are used for transmitting electric energy which is not connected to individual users/property owners.

**Zoning Enforcement Authority:** The person or board charged with enforcing the zoning ordinances or bylaws.

## 6.23 LARGE-SCALE GROUND-MOUNTED PHOTOVOLTAIC INSTALLATIONS

### 6.23.1 Purpose

The purpose of this subsection of the Zoning Bylaw is to establish appropriate criteria and standards for the placement, design, construction, operation, monitoring, modification and removal of new large-scale ground-mounted solar photovoltaic installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

#### **6.23.2 Applicability**

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of existing installations or related equipment.

#### **6.23.3 Location**

Large-Scale Ground Mounted Photovoltaic Installations shall be allowed by right with site plan review on all parcels of land under single ownership that total 50 contiguous acres or more and have transmission lines on or abutting the property.

#### **6.23.4 General Requirements for all Large-Scale Ground-Mounted Photovoltaic Installations**

The following requirements are common to all solar photovoltaic installations to be sited in designated locations:

##### **6.23.4.1 Compliance with Laws, Ordinances and Regulations**

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

##### **6.23.4.2 Building Permit and Building Inspection**

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

##### **6.23.4.3 Fees**

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

#### **6.23.5 Site Plan Review**

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Monson Planning Board acting as the

Site Plan Review Authority (SPRA) prior to construction, installation or modification as provided in this section. The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

#### **6.23.6 Application Requirements**

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

Pursuant to the site plan review process, the project proponent shall provide the following documents:

1. A site plan showing:
  - (a) Property lines and physical features, including roads and buildings, for the project site.
  - (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, and a landscape plan in plan view identifying plant material to be used to screen all appurtenant structures (per 6.23.7.5) and identifying plant material or fencing to be used to satisfy the requirement for a buffer between installation and property edge as (per section 6.23.8.3).
  - (c) Blueprints of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
  - (d) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
  - (e) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter.
  - (f) Name, address, and contact information for proposed system installer.
  - (g) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
  - (h) Name, contact information and signature of any agents representing the project proponent, if any.

2. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
3. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation.
4. Proof of liability insurance.
5. Description of financial surety that satisfies Section 6.23.11.3.

6. Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the SPRA that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off grid systems shall be exempt from this requirement.

## **6.23.7 Design Standards**

### **6.23.7.1 Dimensional and Density Requirements**

All construction shall comply with the yard, space, and height requirements of the zoning district(s) in which the installation is located or 75 feet set back from front, side and rear yard; whichever is greater.

### **6.23.7.2 Lighting**

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and inward and shall incorporate full cut off fixtures to reduce light pollution.

### **6.23.7.3 Signage**

Signs shall comply with Section 5.3 of the Monson Zoning Bylaws. A sign consistent with Section 5.3 of the Monson Zoning Bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number shall be made visible from a right of way where the property has frontage. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

### **6.23.7.4 Utility Connections**

Reasonable efforts, as determined by the SPRA, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the

utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

#### **6.23.7.5 Appurtenant Structures**

All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall conform to the setback requirements of the zoning district in which the installation is located or 75 feet setback from front, side and rear yard; whichever is greater. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. All appurtenant structures shall have a Landscape Plan.

### **6.23.8 Safety and Environmental Standards**

#### **6.23.8.1 Emergency Services**

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall provide the name, phone number, and email of the person responsible for public inquiries throughout the life of the installation.

#### **6.23.8.2 Land Clearing, Soil Erosion and Habitat Impacts**

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

#### **6.23.8.3 Landscaped Buffer Strip**

A landscaped buffer strip is intended to provide in a reasonable time a visual barrier between the Large-scale ground-mounted solar photovoltaic installation and neighboring properties. Except for vehicular and pedestrian passways, the areas shall be used only for an interplanting of deciduous and evergreen trees and shrubs, with lawn or other suitable and appropriate ground cover.

The buffer must provide coverage of three feet in height from the proposed grade to the top of the majority of the planting material at time of installation. Reasonable leeway may be provided by the SPRA to allow for expected growth of the buffer strip over time. The buffer strip shall occupy at least 20% of the depth between the property line and the mandated setback of the zoning district where the installation is located. Where considered appropriate in the judgment of the site plan review authority, walls and fences may be used in addition to or in lieu of plantings. A planting plan showing the types, sizes and locations of material to be used shall be subject to the approval of the SPRA.

The SPRA may waive the requirements of the visual barrier where it deems it advisable, for example, where a street is the dividing line between different land uses.

### **6.23.9 Monitoring and Maintenance**

#### **6.23.9.1 Installation Conditions**

The large scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good conditions. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services.

The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s) unless accepted as a public way.

#### **6.23.9.2 Modification Conditions**

Any material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the SPRA.

### **6.23.10 Waivers**

1. The SPRA may waive strict compliance with any requirement of the Design Standards, Safety and Environmental Standards section of this bylaw, or the rules and regulations promulgated hereunder, where:
  - (a) Such action is allowed by federal, state and local statutes and/or regulations;
  - (b) Is in the public interest;
  - (c) Is not inconsistent with the purpose and intent of this by-law.
2. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-laws does not further the purposes or objectives of this by-law.
3. All waiver requests shall be discussed and voted on at the public hearing for the project.
4. If in the SPRA opinion, additional time or information is required for review of a waiver request, the Board may continue the hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

### **6.23.11 Abandonment or Decommissioning**

#### **6.23.11.1 Removal Requirements**

Any large scale ground mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 6.28.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the SPRA by certified mail of the proposed date of discontinued



operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large scale ground solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The SPRA may allow the owner or operator to leave landscaping or designated below grade foundations in order to minimize erosion and disruption to vegetation.

#### **6.23.11.2 Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the SPRA. If the owner or operator of the large scale ground mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within one hundred and fifty (150) days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

#### **6.23.11.3 Financial Surety**

Proponents of large scale ground mounted solar photovoltaic projects shall provide a form of surety through escrow account to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount determined to be reasonable by the SPRA, but in no event to exceed more than one hundred and twenty five (125%) percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Or take any other action relative thereto.

### **Article 14:**

To see if the town will vote to appropriate the sum of \$50,000 (Fifty Thousand Dollars) to the Conservation Commission Land Acquisition Fund. This money is to be used for the acquisition and preservation of Open Space in Monson. The Conservation Commission must act when land becomes available; it is not always possible to ask landowners to wait so the Land Conservation Fund was created under Ch 40, section 8C of the MGL. Three proposed projects include: Preservation of 70 acres of rare species habitat; matching funds for grant money to create historic or accessible trails at the Flynt Quarry Lands; matching funds for grant money to protect working

forest land in Monson from development. \$30,000 (Thirty Thousand Dollars) will be transferred from the Open Space Account and \$20,000 (Twenty Thousand Dollars) will be transferred from the Undesignated Account under the Community Preservation Program for preservation of open space and recreation pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action relative thereto.

#### **Article 15:**

To see if the town will vote to appropriate the sum of \$5,915 (Five Thousand, Nine Hundred, Fifteen Dollars) for the establishment of Community Gardens at the Keep Homestead Museum. The Keep Homestead Board of Directors will be responsible for implementing this project. These funds will allow for purchase of a small shed, a permanent port-o-potty, tools, soil amendments (lime and manure), soil testing, trash receptacles, and aluminum markers for the plots. Donations have been committed for tree, sod and rock removal, soil augmentation (manure and lime incorporation), and establishment of the garden area. The sum of \$5,915 (Five Thousand, Nine Hundred, Fifteen Dollars) will be transferred from the Undesignated Account under the Community Preservation Program for creation of recreation activities pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action relative thereto.

#### **Article 16:**

To see if the Town will vote to appropriate up to the sum of \$115,000.00 (One Hundred Fifteen Thousand Dollars) to repair, restore and preserve the Monson Unitarian Universalist Church at 177 Main Street. This building is an outstanding example of Victorian eclectic architecture that could never be duplicated today. Built of Monson granite from the former Flynt quarry and funded by the Ellis family, this church is an integral part of the Main Street historic district. It is one-third of the triumvirate of stately edifices constructed of Monson granite, along with Memorial Hall and the Monson Free Library. Without this restoration and preservation process the front wall of the building is in danger of collapse. Restoring the Unitarian Universalist Church to structural stability is a priceless gift to maintaining the historic buildings of Monson. Over \$100,000.00 (One Hundred Thousand Dollars) will be raised by the church, donations also include \$5,300.00 from Roy Brown, Architects. The money shall be transferred from the FY '10 Undesignated Account for said repair, restoration, and stabilization under the Community Preservation Program for preservation of historic and scenic resources pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action relative thereto.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 1<sup>st</sup> day of October, 2010.



Edward S. Harrison, Chairman

John F. Goodrich II



Richard M. Smith

MONSON BOARD OF SELECTMEN


COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

Pursuant to the within Warrant, I have notified and warned the legal voters of the Town of Monson by posting an attested copy of said Warrant in at least two places in said Monson fourteen days at least before the time appointed for holding the meeting aforesaid.

October 1, 2010

A true copy,  
ATTEST:

  
Constable of Monson  
Asst. Town Clerk